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his judgment as to the likelihood of transmitting infection, and reporting each instance at the next meeting of the board of managers; and shall also receive persons from other counties as hereinafter provided. Said superintendent shall cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation, and place of last employment.

County Tuberculosis Hospitals—Change of Location. (Chap. 427, Act Apr. 28, 1915.)

SECTION 1. Section 45 of chapter 16 of the laws of 1909, entitled "An act in relation to counties, constituting chapter 11 of the consolidated laws," as added by chapter 341 of the laws of 1909, and amended by chapters 166¹ and 379² of the laws of 1913, and 323³ of the laws of 1914, and 132 of the laws of 1915, is hereby amended by adding a new subdivision, to be subdivision 6 thereof, to read as follows:

6. Whenever it shall deem it in the public interest so to do, and notwithstanding the provisions of any other general or special act, change the location of such hospital and acquire a new site by purchase, lease, or condemnation, as provided in this section, and establish the hospital thereon.

Boards of Health in Villages. (Chap. 323, Act Apr. 17, 1915.)

SECTION 1. Section 43 of chapter 64 of the laws of 1909, entitled "An act relating to villages, constituting chapter 64 of the consolidated laws," is hereby amended to read as follows:

SEC. 43. *List of village officers; mode of choosing; official year; terms of office.*—Every village shall have a president, not less than two trustees, a treasurer, a clerk, and a street commissioner. * * *

There shall be a board of health in each village, consisting of the board of trustees of such village. The president, trustees, treasurer, collector, police justice, and assessors shall be elective officers, * * *

Milk—License for Buying and Shipping to Cities. (Chap. 651, Act May 18, 1915.)

SECTION 1. Section 55 of chapter 9 of the laws of 1909, entitled "An act in relation to agriculture, constituting chapter 1 of the consolidated laws," as added by chapter 408 of the laws of 1913, is hereby amended to read as follows:

SEC. 55. *Licensing of milk-gathering stations where milk is bought.*—On and after September 1, 1913, no person, firm, association, or corporation shall buy milk or cream within the State from producers for the purpose of shipping the same to any city for consumption or for manufacture unless such business be regularly transacted at an office or station within the State and unless such person, firm, association, or corporation be duly licensed as provided in this and the ensuing sections of this article. Every such person, firm, association, or corporation before engaging or continuing in the business of buying milk or cream for the purposes aforesaid shall annually, on or before August 1, file an application with the commissioner of agriculture for a license to transact such business. The application shall state the nature of the business, as hereinabove set forth, the full name of the person or corporation applying for the license, and, if the applicant be a firm or association, the full name of each member of such firm or association, the city, town, or village and street number at which the business is to be conducted, and such other facts as the commissioner of agriculture shall prescribe. The applicant shall further satisfy the commissioner of his or its character, financial responsibility, and good faith in seeking to carry on such business.

The commissioner shall thereupon issue to such applicant, on payment of \$10, a license entitling the applicant to conduct the business of buying milk and cream

¹ Reprint No. 264, p. 309.

² Ibid., p. 310.

³ Reprint No. 279, p. 109.

from producers for the purpose aforesaid at an office or station at the place named in the application until the 1st day of September next following: *Provided, however,* That if the application be presented in the month of July, and if the applicant so elects, such license may be granted to begin on the 1st day of September next following and run for a term of one year. A license shall not be issued, however, to any applicant if during the year preceding the filing of the application a complaint from any producer and seller of milk or cream shall have been filed with the commissioner against such applicant for any of the grounds specified in section 57 hereof, and such complaint shall have been established as true and just to the satisfaction of the commissioner after such complaint shall have been investigated by the commissioner in the manner provided by section 56 hereof. A license shall not be issued as provided in this section, on and after the taking effect of this section, unless the applicant for such license shall file with the application a good and sufficient surety bond, executed by a surety company duly authorized to transact business in this State, in a sum not less than \$5,000, or shall be relieved from such requirement as provided herein. Such bond shall be approved as to its form and sufficiency by the commissioner of agriculture.

Such applicant may in lieu of such bond deposit with the commissioner of agriculture money or securities in which the trustees of a savings bank may invest the moneys deposited therein, as provided in the banking law, in an amount equal to the sum secured by the bond required to be filed as herein provided.

The bond required to be filed hereunder shall be given to the commissioner of agriculture in his official capacity and shall be conditioned for the faithful compliance by the licensee with the provisions of this chapter, as hereby amended, and for the payment of all amounts due to persons who have sold milk or cream to such licensee during the period that the license is in force. The money or securities deposited with the commissioner of agriculture, as above provided, shall constitute a separate fund, and shall be held in trust for and applied exclusively to the payment of claims against the licensee making such deposit, arising from the sale of milk or cream to such licensee.

Upon default by the licensee in the payment of any money due for the purchase of milk or cream, which payment is secured by a bond or the deposit of money or securities as hereinbefore provided for, the creditor may file with the commissioner of agriculture, upon a form prescribed by him, a verified statement of his claim. If such creditor shall have reduced such claim to judgment or shall thereafter and before the commencement of the action by the commissioner of agriculture, as hereinafter provided for, reduce such claim to judgment, a transcript of such judgment shall also be filed with such commissioner.

Such statements may be filed [sic] at any time during the period of the license for purchases made during such period and within 90 days from the termination of such period.

After the expiration of 90 days from the termination of any license period the commissioner of agriculture shall, by proper action wherein all such creditors and any surety upon any bond given as hereinbefore provided for and the licensee shall be parties, proceed to determine the amount due each such creditor, and the judgment rendered in such action shall be enforced ratably for such creditors against the surety on the bond, if one there be, or against the moneys or securities deposited as hereinbefore provided for. If any such creditor shall have reduced his claim to judgment such judgment shall be presumptive proof of the amount due such creditor in any action brought by the commissioner of agriculture, as hereinbefore provided for.

Every bond given pursuant to the provisions hereof shall be applicable, in the first instance, to the payment of all claims arising during the license period for which such bond shall continue, and filed either during such period or within 90 days after

the expiration thereof. If all such claims shall be paid the balance available upon such bond shall be devoted to the extinguishment ratably of claims arising during such license period, but for which statements shall not have been filed until after 90 days after the expiration of such period.

All moneys and securities, deposited as herein provided for, shall be applicable, in the first instance, to the extinguishment of claims, properly filed, arising during the license period for which such moneys or securities were originally deposited and if, after the extinguishment of such claims, there shall be a surplus remaining such surplus shall be devoted to extinguishment of claims arising during any preceding license period which were properly filed as hereinbefore provided, all claims for any one license period to be of a parity. Any surplus remaining after the extinguishment of such prior claims shall be added to the moneys or securities then on deposit with the commissioner of agriculture or, if there be at that time on file with such commissioner a bond given pursuant to this section, or if there be then on deposit with such commissioner additional moneys or securities deposited as herein provided for, and if such bond or such moneys or securities, as the case may be, shall, in the opinion of the commissioner of agriculture, be sufficient, such surplus shall be returned to the licensee.

A person or corporation licensed hereunder shall make a verified statement of his or its disbursements during a period to be prescribed by the commissioner of agriculture, containing the names of the persons from whom such products were purchased and the amount due to the vendors thereof. Such statement shall be submitted to the commissioner of agriculture when requested by him and shall be in the form prescribed by such commissioner. If it appears from such statement or other facts ascertained by the commissioner of agriculture, upon inspection or investigation of the books and papers of such licensee as authorized by section 56 of this chapter, that the security afforded to persons selling milk and cream to such licensee by the bond executed or deposit made by such licensee as herein provided does not adequately protect such vendors, the commissioner of agriculture may require such licensee to give an additional bond or to deposit additional money or securities, to be executed or deposited as above provided, in a sum to be determined by the commissioner, but not exceeding by more than 25 per cent the maximum amount paid out by such licensee to sellers of milk in any one month: *Provided, however,* That the maximum amount of the bond or deposit required from any applicant under the provisions of this section shall be \$100,000; and that any applicant filing a bond or depositing money or securities in such maximum amount shall be exempted from filing either the statements of milk purchased or the statements of disbursements in this section provided for.

If the applicant for a license under this section be a person or a domestic corporation, the commissioner of agriculture may, notwithstanding the provisions of this section, if satisfied from an investigation of the financial condition of such person or domestic corporation that such person or corporation is solvent and possessed of sufficient assets to reasonably assure compensation to probable creditors, by an order filed in the department of agriculture, relieve such person or corporation from the provisions of this section requiring the filing of a bond.

The term "station" or "milk-gathering station," as used in this and the ensuing sections of this article, shall include an established office where the business of buying milk or cream as herein provided is carried on, with or without a place or premises in connection therewith for the physical handling of milk or cream.

SEC. 2. Sections 58 and 59 of such chapter, as added by chapter 408 of the laws of 1913, are hereby amended to read as follows:

SEC. 58. *Certiorari to review.*—The action of the commissioner of agriculture in refusing to grant a license, or in revoking a license granted under section 55, shall

be subject to review by writ of certiorari, and if such proceedings are begun to review the revocation of license, the license shall be deemed to be in full force and effect until the final determination of certiorari proceedings and all appeals therefrom.

SEC. 59. *Records to be kept.*—Every proprietor of a milk-gathering station shall keep, in such form as the commissioner of agriculture may prescribe, a record of transactions of purchases of milk or cream by him and he shall, at least semimonthly, deliver to each person from whom he receives or purchases milk or cream, and in the unit of measure used in computing the amount due therefor, an itemized statement of the several amounts or quantities of such milk or cream so received or purchased at such milk station from such person during the prior half month or, if statements are delivered more frequently than semimonthly, during that period of time which has elapsed since the delivery of such last prior statement. If the milk or cream is purchased or received on a butter-fat basis, such statement shall include the percentage or average percentage of butter fat contained in said milk or cream as determined by tests periodical or otherwise. Every such proprietor of a milk gathering station shall post in a conspicuous place in such milk station a schedule of the prices being paid for milk or cream including the premiums paid or deductions made, if any, for milk or cream containing milk fat either in excess or in lesser amount than the agreed standard, and shall keep a correct account of all the milk or cream daily received or purchased from each person at such milk station, which account shall be open to inspection by said person.

Habit-Forming Drugs—Sale and Dispensing. Hypodermic Syringes—Sale of Drug Addicts—Commitment of. (Chap. 327, Act Apr. 17, 1915.)

SECTION 1. Sections 245, 246, 247, 248, 249, 249a, and 249d of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as added by chapter 363 of the laws of 1914,¹ are hereby amended to read, respectively, as follows:

SEC. 245. *Sale prohibited; exception.*—No pharmacist, druggist, or other person shall sell, have or offer for sale or give away any chloral, opium, or any of its salts, alkaloids, or derivatives or any compound or preparation of any of them except upon the written prescription of a duly licensed physician, veterinarian, or dentist: *Provided*, That the provisions of this article shall not apply to the sale of domestic and proprietary remedies, nor to physicians' prescriptions, compounded solely for the person named in the original prescription, actually sold in good faith as medicines and not for the purpose of evading the provisions of this article: *And provided further*, That such remedies and preparations do not contain more than 2 grains of opium, or one-fourth grain of morphine, or one-eighth grain of heroin, or 1 grain of codeine, or 10 grains of chloral, or their salts in 1 fluid ounce, or if a solid preparation, in 1 avoirdupois ounce, nor to plasters, linaments, and ointments for external use only.

SEC. 246. *Prescriptions; certificates.*—It shall be unlawful for any person to sell at retail or give away any of the drugs, their salts, derivatives, or preparations mentioned in section 245 of this chapter, except as herein provided, without first receiving a written prescription signed by a duly licensed physician, veterinarian, or dentist. The prescription must contain substantially the following: The name in full of the physician, veterinarian, or dentist issuing such prescription, his office address, and the name, age, and address of the person to whom and date on which such prescription is issued. It shall be unlawful for any duly licensed physician, veterinarian, or dentist to issue any such prescription containing any of the drugs, their salts, derivatives, or preparations mentioned in section 245 of this chapter, for [sic] any duly licensed physician to dispense, give, or deliver any of the said drugs, their salts, derivatives, or preparations, except after a physical examination of any person for the treatment of disease,